

UNITED STATES DISTRICT COURT **FILED**
for

WESTERN DISTRICT OF TEXAS

2015 OCT 30 AM 10:24

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Justin Michael Yuchnitz Case Number: SA-13-CR-556-(1)-XR
Name of Sentencing Judicial Officer: Honorable Xavier Rodriguez, United States District Judge
Date of Original Sentence: January 7, 2014
Original Offense: Aiding and Abetting in the Possession of Stolen Mail, in violation of 18 U.S.C. § 1708 & 18 U.S.C. § 2
Original Sentence: Sentenced to time already served (7 months and 1 week) imprisonment, three years supervised release, \$100.00 special assessment, and \$5250.00 in restitution
Type of Supervision: Supervised Release Date Supervision Commenced: January 7, 2014
Assistant U.S. Attorney: Priscilla Garcia Defense Attorney: Kurt Gene May

PREVIOUS COURT ACTION

On August 12, 2014, the Court signed a Probation Form 12B, modifying the offender's condition to pay restitution according to a payment schedule of \$100.00 monthly.

On August 15, 2014, a Probation 12A, Report on Offender Under Supervision, was sent to the Court, reporting methamphetamine use. On August 25, 2015, the Court took no action and allowed the offender to participate in drug treatment.

PETITIONING THE COURT

- ☒ **To issue a warrant**
☐ **To issue a summons**

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number **Nature of Noncompliance**

1. **The defendant shall not possess a controlled substance.**

On March 27, and April 7, 2014, the offender submitted urine specimens which tested positive for opiates. The test taken in March was substantiated positive by the national laboratory as oxycodone.

On July 30, 2014, the offender submitted a specimen which tested positive for methamphetamine. He admitted to using the drug and it was substantiated positive by the national laboratory.

On September 28, 2015, a drug patch was placed on the offender. On October 5, 2015, when he reported to submit the patch for testing, he admitted to using methamphetamines, on two occasions and heroin on two occasions.

U.S. Probation Officer Recommendation:

The offender began supervised release on January 7, 2014. He has a long history of drug and alcohol use. His drug of addiction is methamphetamine. In spite of completing intensive outpatient drug treatment, the offender continues to use illicit substances.

The probation officer has counseled and admonished the offender for his drug use, but he has failed to use the skills learned in drug treatment, to assist him in abstaining from the use of drugs. Additionally, Your Honor has offered the offender leniency, by allowing him the opportunity to continue to participate in drug treatment. However, he continues to violate his drug conditions by using illicit substances.

At this time, we are respectfully recommending a warrant be issued, for the offender's arrest, to show cause as to why his term of supervision should not be revoked.

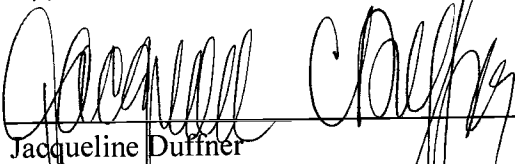
☒ The term of supervision should be

☒ revoked. (Maximum penalty: 2 years imprisonment; 3 years supervised release; and payment of any unsatisfied monetary sanction previously imposed)

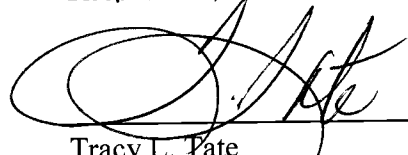
☐ extended for years, for a total term of years.

☐ The conditions of supervision should be modified as follows:

Approved:


Jacqueline Duffner
Supervising U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 5328

Respectfully submitted,


Tracy L. Tate
U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 5317
Date: October 22, 2015

cc: Priscilla Garcia
Assistant U.S. Attorney

Marc S. Martinez
Assistant Deputy Chief U.S. Probation Officer

THE COURT ORDERS:

- ☐ No action.
- ☒ The issuance of a warrant.
- ☐ The issuance of a summons.
- ☐ Other _____



Honorable Xavier Rodriguez
U.S. District Judge

10/29/15

Date